

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 04-12545
Non-Argument Calendar

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT May 10, 2005 THOMAS K. KAHN CLERK</p>

D.C. Docket No. 02-61667-CV-WPD

TROY A. TYLER,
on his own behalf and other similarly situated,

Plaintiff-
Counter-Defendant-
Appellee,

versus

WESTWAY AUTOMOTIVE SERVICE CENTER, INC.,
A Florida Corporation,

Defendant-
Counter-Claimant-
Appellant

BRETT HOLCOMBE, individually,
CRAIG GOLDSTEIN, individually,

Defendants-Appellants.

Appeal from the United States District Court for the
Southern District of Florida

(May 10, 2005)

Before BIRCH, BARKETT and HULL, Circuit Judges.

PER CURIAM:

Plaintiff Troy A. Tyler filed suit against Defendants Westway Automotive Service Center, Inc., Brett Holcombe, and Craig Goldstein, attempting to collect unpaid overtime compensation under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq. After the jury awarded Tyler \$7,392.00,¹ Defendants appealed, contending: (1) neither Westway Automotive nor Holcombe were properly considered Tyler’s employer under the FLSA; (2) the district court should have granted a mistrial based on the improper closing arguments of Plaintiff’s counsel; and (3) the district court improperly denied Defendant Goldstein’s motion for sanctions.

After review, we conclude that Defendants’ arguments lack merit. Consequently, we affirm the \$7,392.00 judgment in favor of Plaintiff Tyler.

AFFIRMED.

¹The jury awarded \$3,696.00. Pursuant to 29 U.S.C. § 216(b), that amount was doubled as a liquidated damages award.